

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

R.P.No.166 of 1998 IN W.A.No.213 OF 1991(E)

AGAINST THE JUDGEMENT IN W.A.NO.213/1991 DATED 28/01/1998

REVIEW PETITIONER/APPELLANT:-

N.K.SREEDHARAN, NEDUMPARAMBIL PHARMACY,
IRINJALAKUDA.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS/RESPONDENTS:-

1. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT, TRIVANDRUM.
2. THE REGISTRAR & SECRETARY,
CENTRAL COUNCIL OF INDIAN MEDICINES,
IE/6 SWAMY RAMA THEERTHA NAGAR,
NEW DELHI - 110 055.
3. THE REGISTRAR,
THE COUNCIL OF INDIGENOUS MEDICINES,
THIRUVANANTHAPURAM.

THIS REVIEW PETITION HAVING COME UP FOR
ADMISSION ON 18/08/2007, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:-

H.L.DATTU, C.J. & K.T.SANKARAN, J.

R.P.No. 166 of 1998 in W.A.No.213 of 1991

Dated this the 18th day of August, 2007.

ORDER

Sankaran, J.

The writ appeal was disposed of by judgment dated 28th January, 1998.

The relevant portion of the judgment reads as follows:

“4). However, one crucial aspect has come to our notice as revealed from C.M.P.No.342 of 1996. The appellant even at the time of filing the writ petition, O.P.No.6739 of 1987, was possessing a certificate evidenced by Annexure I dated 8-4-1964 issued by the Registrar, Council of Indigenous Medicine, which is as follows:

“Your name has been entered in the list of practitioners of ayurvedic system of medicine maintained in this office as per Section 25 of the Travancore-Cochin Medical Practitioners Act.”

That means, appellant is a registered practitioner under Section 25 of the Act. This position was not disclosed in the writ petition, O.P.No.6739/87. If that fact had been disclosed in the writ petition, probably the result of the writ petition would have been something different. However, the learned Judge directed the appellant to file a representation to the Government for exemption under the first proviso to Section 38 of the Act. In this context, counsel for the appellant submits that even if the appellant is a registered practitioner under Section 25, he is entitled to ask for exemption under Section 38 of the Act, so that he would be able to come within the category of 'A class' practitioner. However by Annexure II order the Government found that the appellant is not entitled to get exemption under Section 38 of the Act. In this context it may be mentioned that the qualification possessed by the appellant was never a recognized qualification in the State of Kerala. Now the position is concluded with Annexure II order issued by the Government.

5). However, in view of Annexure I certificate which the appellant had already possessed, he is entitled to practise Ayurvedic System of Medicine. It is made clear that Annexure II order will not have the effect of taking away the registration already obtained by the appellant under Section 25 of the Act. The writ appeal is disposed of as above.”

(2). In this review petition the only point raised by the review petitioner is that some other persons who are not entitled to get registration have been granted registration and recognized by the Indian Medical Council. That is not a ground for review of the well-considered judgment of the Division Bench. The Review Petition lacks merits and it is dismissed.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

MS